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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,214	10/06/2005	Rainer Glauning	3443	6728
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
EXAMINER				
NASH, BRIAND				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
03/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/552,214

**Applicant(s)**

GLAUNING ET AL.

**Examiner**

Brian Nash

**Art Unit**

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-10, 12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10, 12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Examiner's Comments***

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered. The pending claims are now 4-10, 12 and 14-17.
2. The Examiner notes a couple errors in applicant's remarks filed 2/4/2008 along with the above mentioned RCE. Claims 4-16 are not pending, but rather 4-10, 12 and 14-17. Also, claim 10 is not independent, but rather is written in dependent form and depends from a cancelled claim (see 112 rejection below).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10, 12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 depends from cancelled claim 1. The Examiner has construed claim 10 to depend from claim 17.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 4-5, 8-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,671,815 to Kabatnik et al.

With respect to claim 1, a power tool (10) having a housing (12) in which a guide sleeve (51, 57) is formed within the tool housing for interchangeably receiving a power supply module (11), the sleeve defining an opening (undesignated - opening defined between insertion inclines 63 in Fig. 4) and having an electrical interface (via 52) with the power supply module; the guide sleeves (57a,b) produce a form-locking coupling with the power supply module disposed in an end region of the guide sleeve (Fig. 3 shows the guide sleeves 57a,b in an end region of the base 51 of plug coupling 50) and facing away from corresponding opening (59) of the power supply (Fig. 2), i.e. the guide sleeve and power supply opening face each other in a common direction; the form-locking sleeve projections (57a,b) protrude from the inner walls (63) of the guide sleeve and extend from an ends (tips of 57a,b) facing away from sleeve opening over only a limited portion of the guide sleeve (Fig. 4), i.e. the projecting tabular ends of (57a,b) extend in a lateral direction away from the opening (59) of the power supply over only a short distance compared to the total dimension of the guide sleeve.

With respect to claim 4, the rib (57a,b) is embodied in one piece with the guide sleeve.

With respect to claim 5, the end face of the rib (57a,b) has rounded edges and corners (Fig. 4).

With respect to claim 8, the ribs (57a,b) are spaced apart from each other and are located mirror-symmetrically to one another.

With respect to claim 9, the guide sleeve (57) has a box-like profile and a convex profile wall with the ribs (57a,b) located on the wall (Fig. 4).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above Kabatnik et al disclose the invention substantially as claimed, but do not explicitly show the rib portion (57,63) to comprise a triangular cross section or trapezoidal outline; however, it would have been an obvious matter of design choice to use either shape or cross section since applicant has not disclosed that any specific cross section or shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either design choice.

9. Claims 10, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above, Kabatnik et al disclose an electric power tool and mating power supply module substantially as claimed (Figs. 2-5). While the power supply module of Kabatnik et al may not be the exact module as claimed, it would have been obvious to one skilled in the art to configure/modify the external structure of a power supply module for mating with the guide sleeve of it's electric power tool in order to provide interlocking components for securing the power module to the power tool since such a modification is within the engineering purview of the skilled artisan, is well known in the art of cordless power tools and would provide a predictable result.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

12. Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian D. Nash/  
Primary Examiner, Art Unit 3721

3/17/2008